

**Executive Summary – Enforcement Matter – Case No. 50821**  
**City of Stanton**  
**RN101392082**  
**Docket No. 2015-1052-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Stanton PWS, located at the intersection of Saint Joseph Street and School Street, Stanton, Martin County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 16, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$195

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$195

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 50821**

**City of Stanton**

**RN101392082**

**Docket No. 2015-1052-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 15, 2015 through June 26, 2015

**Date(s) of NOE(s):** June 26, 2015

***Violation Information***

Failed to comply with the maximum contaminant level of 0.010 milligrams per liter for arsenic based on the running annual average [30 TEX. ADMIN. CODE § 290.106(f)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the running annual average maximum contaminant level for arsenic; and
- b. Within 380 days, submit written certification to demonstrate compliance with a.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Michael Adams, City Administrator, City of Stanton, P.O. Box 370, Stanton, Texas 79782

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	29-Jun-2015	<b>Screening</b>	13-Jul-2015	<b>EPA Due</b>	30-Jun-2015
	<b>PCW</b>	20-Aug-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	City of Stanton		
<b>Reg. Ent. Ref. No.</b>	RN101392082		
<b>Facility/Site Region</b>	7-Midland	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	50821	<b>No. of Violations</b>	1
<b>Docket No.</b>	2015-1052-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Lisa Westbrook
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$150
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	30.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$45
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Notes: Enhancement for three NOV's with the same/similar violations and one agreed order without a denial of liability. Reduction for High Performer Classification.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$3,752  
Estimated Cost of Compliance \$40,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$195
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$195

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$195
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$195
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Screening Date 13-Jul-2015

Docket No. 2015-1052-PWS-E

PCW

Respondent City of Stanton

Policy Revision 4 (April 2014)

Case ID No. 50821

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101392082

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations and one agreed order without a denial of liability. Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 30%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 30%

<b>Screening Date</b> 13-Jul-2015 <b>Respondent</b> City of Stanton <b>Case ID No.</b> 50821 <b>Reg. Ent. Reference No.</b> RN101392082 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Lisa Westbrook <b>Violation Number</b> 1	<b>Docket No.</b> 2015-1052-PWS-E <b>PCW</b> <small>Policy Revision 4 (April 2014) PCW Revision March 26, 2014</small>												
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.106(f)(3) and Tex. Health & Safety Code § 341.0315(c)													
<b>Violation Description</b> Failed to comply with the maximum contaminant level ("MCL") of 0.010 milligrams per liter ("mg/L") for arsenic, based on the running annual average. Specifically, at the time of the record review, it was documented that the running annual average concentrations for arsenic were 0.012 mg/L for the third quarter of 2014, 0.011 mg/L for the fourth quarter of 2014, and 0.011 mg/L for the first quarter of 2015.													
<b>Base Penalty</b> \$1,000													
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>													
<b>OR</b>  <b>Release</b> Actual Potential	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3">Harm</th> </tr> <tr> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">X</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table> <b>Percent</b> 15.0%	Harm			Major	Moderate	Minor	X					
Harm													
Major	Moderate	Minor											
X													
<b>&gt;&gt; Programmatic Matrix</b>													
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <b>Percent</b> 0.0%		Falsification	Major	Moderate	Minor								
Falsification	Major	Moderate	Minor										
<b>Matrix Notes</b>	Exceeding the MCL for arsenic, based on the running annual average, has exposed customers of the Facility to a significant amount of pollutants which do not exceed levels protective of human health.												
<b>Adjustment</b> \$850													
\$150													
<b>Violation Events</b>													
Number of Violation Events 1      273 Number of violation days													
mark only one with an x  daily weekly monthly quarterly semiannual annual single event	<table border="1" style="width:100%; border-collapse: collapse;"> <tbody> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td></td></tr> <tr><td style="text-align: center;">X</td></tr> <tr><td></td></tr> </tbody> </table> <b>Violation Base Penalty</b> \$150						X						
X													
One annual event is recommended.													
<b>Good Faith Efforts to Comply</b>													
<b>0.0%</b> <b>Reduction</b> \$0													
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Before NOE/NOV</th> <th>NOE/NOV to EDPRP/Settlement Offer</th> </tr> </thead> <tbody> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">X</td> <td style="text-align: center;">(mark with x)</td> </tr> </tbody> </table> <b>Notes</b> The Respondent does not meet the good faith criteria for this violation.			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	X	(mark with x)
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer											
Extraordinary													
Ordinary													
N/A	X	(mark with x)											
<b>Violation Subtotal</b> \$150													
<b>Economic Benefit (EB) for this violation</b> <b>Statutory Limit Test</b>													
<b>Estimated EB Amount</b> \$3,752 <b>Violation Final Penalty Total</b> \$195													
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$195													

# Economic Benefit Worksheet

Respondent: City of Stanton  
 Case ID No: 50821  
 Reg. Ent. Reference No: RN101392082  
 Media: Public Water Supply  
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description: No commas or \$						

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$40,000	30-Sep-2014	31-Jan-2017	2.34	\$312	\$6,239	\$3,752
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount for the Facility to Investigate, identify and implement the necessary corrective actions to return to compliance with the running annual average for arsenic, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/Equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$40,000 **TOTAL** \$3,752



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600632905, RN101392082, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600632905, City of Stanton

**Classification:** HIGH

**Rating:** 0.00

**Regulated Entity:** RN101392082, City of Stanton  
PUBLIC WATER SUPPLY

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** AT THE INTERSECTION OF SAINT JOSEPH STREET AND SCHOOL STREET IN STANTON, MARTIN COUNTY, TEXAS

**TCEQ Region:** REGION 07 - MIDLAND

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1590001

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** July 13, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** July 13, 2010 to July 13, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Lisa Westbrook

**Phone:** (512) 239-1160

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 11/18/2011 ADMINORDER 2011-0752-PWS-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2008.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2007.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2007.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2008.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: Provision Nos. 2.a. and 2.b. ORDER

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2010.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: Provision Nos. 2.a. and 2.b. ORDER

Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2010.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	December 03, 2010	(880206)
Item 2	January 17, 2012	(981059)



Item 3	January 07, 2013	(1052978)
Item 4	January 03, 2014	(1139834)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 09/30/2014 (1260098)	CN600632905
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)	
	Description: ARS MCL 3Q2014 - During the 3rd quarter of 2014 the system violated the maximum contaminant level for arsenic with a RAA of 0.012 mg/L.	
2	Date: 11/18/2014 (1260098)	CN600632905
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)	
	Description: ARS MCL 4Q2014 - During the 4th quarter of 2014 the system violated the maximum contaminant level for arsenic with a RAA of 0.011 mg/L.	
3	Date: 06/15/2015 (1260098)	CN600632905
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)	
	Description: ARS MCL 1Q2015 - During the 1st quarter of 2015 the system violated the maximum contaminant level for arsenic with a RAA of 0.011 mg/L.	

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

## Component Appendices

### Appendix A

#### All NOVs Issued During Component Period 7/13/2010 and 7/13/2015

- 1      Date:      10/23/2009      (934828)      CN600632905  
Classification:      Moderate  
Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description:      Violated the maximum contaminant level for trihalomethanes during the third quarter of 2009.
- 2      Date:      04/28/2010      (934830)      CN600632905  
Classification:      Moderate  
Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description:      Violated the maximum contaminant level for trihalomethanes during the first quarter of 2010.
- 3      Date:      08/20/2010      (900941)      CN600632905  
Classification:      Moderate  
Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Provision Nos. 2.a. and 2.b. ORDER  
Description:      Violated the maximum contaminant level for trihalomethanes during the second quarter of 2010.
- 4      Date:      12/20/2010      (906424)      CN600632905  
Classification:      Moderate  
Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Provision Nos. 2.a. and 2.b. ORDER  
Description:      Violated the maximum contaminant level for trihalomethanes during the third quarter of 2010.
- 5      Date:      06/22/2011      (934831)      CN600632905  
Classification:      Moderate  
Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description:      Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2010.
- 6      Date:      09/30/2014      (1260098)      CN600632905  
Classification:      Moderate  
Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description:      ARS MCL 3Q2014 - During the 3rd quarter of 2014 the system violated the maximum contaminant level for arsenic with a RAA of 0.012 mg/L.
- 7      Date:      11/18/2014      (1260098)      CN600632905  
Classification:      Moderate  
Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description:      ARS MCL 4Q2014 - During the 4th quarter of 2014 the system violated the maximum contaminant level for arsenic with a RAA of 0.011 mg/L.
- 8      Date:      06/15/2015      (1260098)      CN600632905  
Classification:      Moderate  
Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description:      ARS MCL 1Q2015 - During the 1st quarter of 2015 the system violated the

maximum contaminant level for arsenic with a RAA of 0.011 mg/L.

\* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

## Appendix B

### All Investigations Conducted During Component Period July 13, 2010 and July 13, 2015

Item 1	August 20, 2010**	(900941) For Informational Purposes Only
Item 2*	December 03, 2010**	(880206) For Informational Purposes Only
Item 3	December 20, 2010**	(906424) For Informational Purposes Only
Item 4	May 09, 2011**	(915037) For Informational Purposes Only
Item 5	June 22, 2011**	(934831) For Informational Purposes Only
Item 6	June 23, 2011**	(934828) For Informational Purposes Only
Item 7	June 24, 2011**	(934830) For Informational Purposes Only
Item 8*	January 17, 2012**	(981059) For Informational Purposes Only
Item 9*	January 07, 2013**	(1052978) For Informational Purposes Only
Item 10	February 14, 2013**	(1054746) For Informational Purposes Only
Item 11*	January 03, 2014**	(1139834) For Informational Purposes Only
Item 12	June 23, 2015	(1260098) For Informational Purposes Only
Item 13	June 26, 2015	(1260439) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF STANTON  
RN101392082**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-1052-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Stanton (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located at the intersection of Saint Joseph Street and School Street in Stanton, Martin County, Texas (the "Facility") that has approximately 1,021 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from June 15, 2015 through June 26, 2015, TCEQ staff documented that the running annual average concentrations for arsenic were 0.012 milligrams per liter ("mg/L") for the third quarter of 2014, 0.011 mg/L for the fourth quarter of 2014, and 0.011 mg/L for the first quarter of 2015.
3. The Respondent received notice of the violations on July 2, 2015.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.010 mg/L for arsenic, based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of One Hundred Ninety-Five Dollars (\$195) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Hundred Ninety-Five Dollar (\$195) administrative penalty.

## **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Hundred Ninety-Five Dollars (\$195) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Stanton, Docket No. 2015-1052-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:

- a. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average MCL for arsenic, in accordance with 30 TEX. ADMIN. CODE § 290.106; and
- b. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

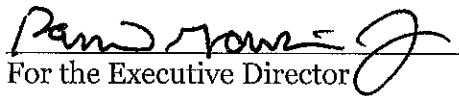
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

12/4/15  
Date

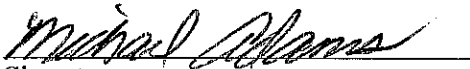
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Stanton. I am authorized to agree to the attached Agreed Order on behalf of the City of Stanton, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Stanton waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

09-03-2015  
Date

Michael Adams  
Name (Printed or typed)  
Authorized Representative of  
City of Stanton

City Administrator  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.